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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
MCC Illinois LLC	)	File No.: EB-FIELDNER-14-00014016
Owner of Antenna Structure No. 1060425	)	
Effingham, Illinois	)	NOV No.: V201432320006

**NOTICE OF VIOLATION**

**Released:** May 6, 2014

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to MCC Illinois LLC (MCC) registrant of antenna structure number 1060425 in Effingham, Illinois. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On February 12, 2014, an agent of the Enforcement Bureau's Chicago Office inspected antenna structure number 1060425 located at 0.5 mile east of the city limits on state route 40, Effingham, Illinois, and observed the following violations:

47 C.F.R. § 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard." The FCC's Antenna Structure Registration ("ASR") database currently indicates that the antenna structure number 1060425 requires aviation orange and white paint and red obstruction lighting in accordance with FCC Paragraphs 1,3,4,13 and 21. The antenna structure does not conform to these recommendations, but is equipped with a high intensity flashing white obstruction lighting system, and therefore is in violation of 47 C.F.R. § 17.23. In order to come into compliance with the Commission's rules, MCC must: (1) obtain a new FAA "no hazard" determination indicating that the current lighting system is permitted and then submit a modified antenna structure registration to reflect the new "no hazard" determination, (2) submit a modified registration if a new FAA "no hazard" determination already has been obtained or (3) come into compliance with the current ASR by removing the white obstruction lighting and painting the tower.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, MCC must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 403.

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correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct MCC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized official of MCC with personal knowledge of the representations provided in MCC's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in MCC's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Chicago Office  
1550 North Northwest Hwy., Suite 306  
Park Ridge, Illinois 60068

6. This Notice shall be sent to MCC Illinois LLC, at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop  
District Director  
Chicago District Office  
Northeast Region  
Enforcement Bureau

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<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).